

REMARKS

This paper is filed in response to the Office Action mailed October 31, 2005. In the Office Action the Examiner withdrew rejections that had previously been entered in a non-final Office Action, and entered a Restriction Requirement and an Election of Species Requirement.

In the Restriction Requirement, the Examiner stated that restriction to one of the following inventions was required under 35 U.S.C. 121, namely, Group I (claims 1-11, 22-29), Group II (claims 12-21), and Group III (claims 30-31). In response, Applicants respectfully select the claims of Group I, namely, claims 1-11 and 22-29, for examination.

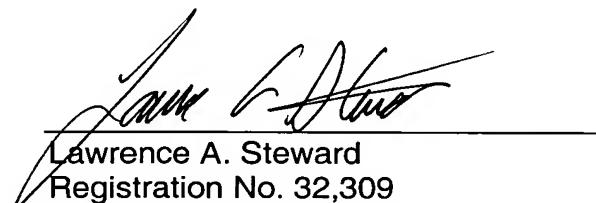
The Examiner also stated that if the Applicants elect Group I, Applicants are further required to elect one of the following species of Group I: Species I (Figure7, Claims 25-26), and Species II (Figure 8, Claims 27-28). Claims 1-11, 22-24, and 29 were deemed to be generic.

Applicants disagree with the imposition of the election of species requirement, and request that it be withdrawn. The "species" referred to by the Examiner in the Office Action do not represent different species of the invention. Rather, Figures 7 and 8 essentially relate to the same embodiment of the present invention, and merely illustrate different stages of assembly of the insertion device that is equipped with a locking assembly. Fig. 7 illustrates the features of dilator 70, stop mechanism 72 and securement member 74, prior to placement of the tracheostomy tube 22 on the dilator. In Fig. 8, the tracheostomy tube 22 has been placed in position on the dilator 70. The separate figures were provided to better illustrate the features of the locking assembly, and (along with Fig. 9) the manner in which the features interconnect.

Applicants respectfully submit that the distinctions in claims 25-28 have nothing to do with any alleged differences in species between any aspects of Figures 7 and 8. Rather, claims 25 and 26 (Species I) represent two possible embodiments wherein stop member 72 comprises an annular ring integral with dilator 70 (claim 25), or fitted on dilator 70 (claim 26). Claims 27 and 28 (Species II) relate two possible embodiments wherein the complementary member 22 comprises a collar that may be integral with tracheostomy tube 20 (claim 27), or fitted on an exterior surface of the tracheostomy tube (claim 28). Applicants respectfully submit that these figures should not be considered to represent separate species of the invention, and accordingly, it is respectfully requested that this requirement be withdrawn. If the Examiner does not agree, then Applicants elect Species II. This should be considered to include generic claims 1-11, 22-24 and 29, as well as the claims of "Species II", namely claims 27-28.

Applicants look forward to further examination of this application. If the Examiner has any questions, or would like to discuss this matter by telephone, the Examiner is requested to telephone the undersigned attorney.

Respectfully submitted,



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